

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated November 24, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 7, 16, and 20 are cancelled, and claims 1, 10, and 19 are amended. Claims 1-6, 8-15, 17-19, and 21-26 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1 and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by Oommen et al. published application (US PG pub. No. 2003/0203484). It is asserted the Oommen discloses substantially the same invention as in the pending claims as recited in the pending claims. Applicant respectfully traverses.

Neither Oommen nor any other related art of record can anticipate the present invention as recited in the claims because Oommen does not teach or fairly suggest each of the elements recited therein. For example, Oommen fails to disclose, among other things, applying permissions for access to the subscriber services by the subscriber according to the device status. These elements are recited in independent claims 1 and 10 and are supported, for example, in paragraph [0077] of the disclosure. The Device Management network element applies the SMS processing logic to process the SMS message to determine the device and subscriber ids (paragraph [0077]). The customer care facility may interact with the DM to determine whether the last used status indicates the device is lost, stolen, or malfunctioning (paragraph [0077]). The customer care facility may interact with the deny database to determine whether service requests originating from the device should be granted or denied (paragraph [0077]). Oommen

discloses an apparatus which can exchange configuration indicia associated with a mobile node (Oommen, Paragraph [0017]-[0018]). However, there is nothing in Oomen which teaches or fairly discloses applying permissions to a subscriber according to the status of the device. Therefore, Ooomen does not include every element of the present invention, as claimed. For at least this reason, the rejection should be withdrawn.

In the outstanding Office Action, claims 2, 12, and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Wen et al. (US PG Pub. No. 2003/0126209). It is asserted that Oommen discloses the invention as substantially claimed except that the location information is one or more of a geographic location and a logical location, where the logical location is a status of a user. It is further asserted that Wen discloses that it was known to have TCP/IP addresses correspond to geographic locations. It is further asserted that it would have been obvious to have the address of the device of Oomen have location information that is a geographic location, as in TCP/IP according to Wen. Applicant respectfully traverses.

Neither Oommen, Wen, nor any other related art of record, alone or in combination, teach or fairly disclose the present invention as recited in the claims. For example, Wen fails to disclose, among other things, applying permissions for access to the subscriber services by the subscriber according to the device status. These elements are recited in independent claims 1 and 10 and are supported, for example, in paragraph [0077] of the disclosure. Claims 2, 12, and 24-25 each depend from either claim 1 or 10 and necessarily incorporates each element of the independent claim. Wen teaches a network client service system and a method for the same are applied to an Internet environment for accomplishing connection between distant-end users according to data of

geographic locations corresponding to TCP/IP addresses of servers and the distant-end users (Wen, abstract). In doing so, Wen uses servers corresponding to geographic regions where users are located to provide forms of homepages to the users for facilitating collection of user data, and connection between different distant-end users served by a single server or different servers to be accomplished over a network, so as to allow the distant-end users to perform data transfer and electronic commerce services with each other through the use of the network client service system and method (Wen, abstract). However, there is nothing in Wen which teaches or fairly discloses applying permissions to a subscriber according to the status of the device. Therefore, Wen fails to cure the defects of Oomen.

Furthermore, logical location, as used in the claim, refers to such instances as, for example, “In a meeting”, “In transit”, etc. (paragraph [0031]). A network location is very different from a geographical location and has a completely different purpose. In the Response to Arguments, the office action notes that there is no requirement as to what constitutes a status. However, the specification clearly, though briefly, describes a logical location with the examples “In a meeting”, and “In transit” (paragraph [0031]). “Although words in a claim are generally given their ordinary and customary meaning, a patentee may choose to be his own lexicographer and use terms in a manner other than their ordinary meaning, as long as the special definition of the term is clearly stated in the patent specification or file history.” *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (C.A.Fed. (N.H.), 1996). Applicant respectfully submits that only one meaning for logical location has been expressed by the specification. There is nothing in the specification which would lead one having skill in the art to believe logical location is a

TCP/IP address or any other type of network address. Therefore, Wen does not adequately teach or disclose a logical location as used in the present invention.

Applicant has submitted claims 24 and 25 to clarify that the logical location takes the form of a status of the user. The status of the user, which can be described as “In transit”, “In a meeting”, etc., should not be confused with device status, which can describe a device as lost, stolen, or malfunctioning. The examples “In a meeting” and “In transit” describe status of the user rather than the device. For this and the foregoing reasons in favor of patentability, the rejection should be withdrawn and the claims should be allowed to issue.

In the outstanding Office Action, claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen. It is asserted that Chen discloses a system with all of the features of the present invention as recited in the claims, but for extracting a device identifier from the message, including location information. It is further alleged that Oommen discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Regarding claim 19, neither Chen, nor Oommen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claim. For example, none of the references teach or suggest, among other things, a network element configured to interact with the permissions facility to determine permissions to apply to service requests originating from the device according to the device status. These elements are recited in independent claim 19 and are supported, for example, in paragraph [0077] of the disclosure. Chen discloses generating

updates of firmware/software components in electronic devices (Chen, paragraph [0023]). Chen discloses a server within the communication network associating the information identifying the mobile electronic device with the subscriber-related information from the SIM card (Chen, paragraph [0057]). However, Chen does not teach applying permissions according to the device status. At most, Chen teaches detecting that the SIM card in the mobile electronic device has been changed (Chen, paragraph [0057]). As stated above with respect to patentability of claim 1, Oommen also does not contain this element. Therefore, Oommen cannot cure the deficiencies of Chen and the combination of Chen and Oommen cannot render the claim obvious.

Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. The present invention satisfies a need for cost-effective equipment identity management in networks that DO NOT comprise an EIR (paragraph [0010]). Chen teaches the network may detect/determine that a new mobile device is attached from the IMEI DB in the equipment identity register (EIR) (Chen, paragraph [0031]). Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 20-23, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen, and further in view of Wen. It is asserted that Chen as modified by Oommen discloses a system with all of the features of the present invention as recited in the claims except that the location information is one or more of a geographic and a logical location, where the logical location is a status of the user. It is further alleged that

Wen discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Chen, nor Oommen, nor Wen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claim. For example, none of the references teach or suggest, among other things, a network element configured to interact with the permissions facility to determine permissions to apply to service requests originating from the device according to the device status. These elements are recited in independent claim 19 and are supported, for example, in paragraph [0077] of the disclosure. Claims 20-23, and 26 each depend from claim 19 and necessarily incorporate each element of the independent claim. For the foregoing reasons in favor of patentability of claims 2, 12, and 24-15, Oommen in view of Wen do not disclose these elements. For the foregoing reasons in favor of patentability of claim 19, Chen does not disclose these elements. For at least this reason, the rejection should be withdrawn and the claims allowed to issue.

Claims 3, 4, 7-9, 13, and 16-18 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Wen, and further in view of Chen. It is asserted that Oommen as modified by Wen teaches substantially the same invention as recited in the pending claims but for setting network access permission according to the device status for a device corresponding to the device identifier. It is further asserted that Chen discloses these features and thus the combination of Oommen, Wen, and Chen would render the pending claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Wen, nor Chen, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. Each of these claims is a dependent claim, dependent upon either claim 1 or 10, for which arguments in favor of patentability are set forth above. Because Oommen, Wen, and Chen cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen, Wen, or Chen. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 5, 6, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Wen, and further in view of Corrigan et al. (US PG Pub. No. 2002/0187775). It is asserted that Oommen as modified by Wen teaches substantially the same invention as recited in the pending claims but for receiving the message via a Short Message Peer to Peer Interface. It is further asserted that Corrigan discloses this feature and thus the combination of Oommen and Corrigan would render the pending claims as obvious. Applicant respectfully traverses.

Neither Oommen, nor Wen, nor Corrigan, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither reference discloses applying permissions for access to the subscriber services by the subscriber according to the device status. As stated above, this feature is recited in both independent claim 1 and 10. Thus, because each of these claims is dependent upon either claim 1 or 10, this element is therefore necessarily present in each. Corrigan discloses an access node having a portal which performs interfacing between a wireless network domain and content/service providers in the Internet (Corrigan, abstract). In no way does Corrigan disclose applying permissions based on device status. As stated above, Oommen modified by Wen also does not contain this element. Because Oommen, Wen, and Corrigan cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Oommen or Corrigan. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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